

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
KEITH MACKEY	:	VIOLATIONS:
	:	18 U.S.C. § 641 (conversion of federal
		grant funds - 1 count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. Under Title I of the No Child Left Behind Act (“NCLB”), federal funds are made available to states and local educational agencies (for example, school districts) to provide eligible students from low-income families with supplemental educational services, which include tutoring, remediation, and other educational interventions that must be provided outside of the regular school day. The local educational agencies receive federal grant funds, administered through the states, which in turn are used to pay providers of supplemental educational services. In order to be eligible to receive such services, students must be from low-income families and attend underperforming schools as defined under the NCLB. Service providers are selected by the parents of eligible students from a state-approved list.

2. Pursuant to the NCLB, the School District of Philadelphia received a total grant of approximately \$101 million in federal funds for the 2002-2003 school year. Of that total, the School District was authorized, by resolution of the Philadelphia School Reform

Commission dated October 16, 2002, to spend approximately \$5.1 million on supplemental educational services, and to enter into contracts with approved providers of such services. To implement the supplemental educational services program, the Pennsylvania Department of Education developed a state-wide list of approved providers of supplemental educational services. The School District provided to parents of eligible students a list of providers in the Philadelphia area.

3. At the time of these events, the Student Resource Center was registered with the Commonwealth of Pennsylvania Department of State as a not-for-profit corporation under the name “Tyn Student Resource Center – Challenge Program.” According to the Department of State records, defendant KEITH MACKEY was the vice president.

4. The Student Resource Center entered into a contract, effective January 31, 2003, with the School District under which, for a term from February 10, 2003 until June 30, 2003, the Student Resource Center could provide supplemental educational services, particularly instructional services in reading or math, pursuant to the NCLB. Defendant KEITH MACKEY signed the contract on behalf of the Student Resource Center as its Executive Director.

5. Defendant KEITH MACKEY submitted three invoices (April 30, 2003, May 30, 2003, and June 30, 2003) on behalf of the Student Resource Center to the School District for payment of a total of \$29,276 for services supposedly rendered to a total of 25 students. The School District paid the invoices by three checks, totaling \$29,249, issued to the Student Resource Center (the difference representing a mathematical error in the invoices, corrected by the School District).

6. As defendant KEITH MACKEY knew, of the 25 children for whom he billed the School District on behalf of the Student Resource Center, 13 children received no supplemental educational services from the Student Resource Center. The total amount billed to and paid by the School District for these 13 children was \$10,455.

7. For at least five students for whom the Student Resource Center provided some services, defendant KEITH MACKEY billed the School District for additional services that he knew were not rendered, totaling \$5,330.

8. From in or about April 2003 through in or about August 2003, in Philadelphia, in the Eastern District of Pennsylvania, defendant

KEITH MACKEY

embezzled, stole, purloined, and knowingly converted to his own use a thing of value of the United States in an amount over \$1,000, that is, \$15,785 in No Child Left Behind federal grant funds.

In violation of Title 18, United States Code, Section 641.

PATRICK L. MEEHAN
UNITED STATES ATTORNEY